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April 13, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

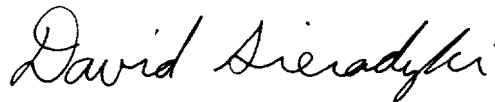
**Re: Proposal of the Commonwealth of the Northern Mariana
Islands Regarding Enhanced Support for Insular Low-
Income Consumers; CC Docket No. 96-45**

Dear Ms. Salas:

On behalf of the American Samoa Telecommunications Authority, I am submitting comments on the proceeding referred to above, pursuant to the Public Notice, CC Docket No. 96-45, DA 01-622 (released March 14, 2001).

Please contact me if you have any questions.

Respectfully submitted,



David L. Sieradzki
Counsel for the American Samoa
Telecommunications Authority

Enclosures

cc: Service List

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21 See Federal-State Joint Board on Universal Service, Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion & Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208

comparably low on tribal lands and in territories like the CNMI and American Samoa, and that the federal government has similar responsibilities for Native American tribal nations and for the insular areas of the CNMI and American Samoa, the Commission should extend enhanced Lifeline and expanded Link Up to both the CNMI and American Samoa.

ASTCA agrees with the CNMI that the Commission based its decision to extend additional universal service assistance to tribal communities on two important factors: (1) the demonstrated low telephone penetration rates and per capita income figures; and (2) the historic relationship between the federal government and the tribal communities. ^{3/} ASTCA believes that CNMI has made the requisite showing that it merits an extension of the FCC's subscribership and infrastructure deployment policies. And, for reasons similar to those set forth by CNMI, ASTCA believes that the Commission's policies should also be extended to the residents of American Samoa.

First, telephone penetration among American Samoans, as with American Indians and Alaskan Natives, is unacceptably low. Presently, the telephone penetration rate on American Samoa is about 70.5%, well below the national average of nearly 95%. ^{4/} This is largely the result of a per capita income

(2000) ("*Twelfth Report and Order*"); *Policy Statement on Establishing a Government-to-Government Relationship with Indian Tribes*, FCC 00-207 (rel. June 23, 2000) ("*Policy Statement*").

^{3/} CNMI Request at 3.

^{4/} See Letter from Ferdinand G. Aranza, Director, Office of Insular Affairs, U.S. Dep't of the Interior, to Magalie Roman Salas, Secretary, FCC, CC Docket No. 96-45

level in American Samoa of \$3,270, a figure 77% below that of the U.S. as a whole (and even lower than that of Native Americans on tribal lands). ^{5/} The cost of providing and obtaining telephone service in American Samoa is increased by its great distance from major land masses, the separation between American Samoa's six islands, and the territory's sparse population. Taken together, these factors have resulted in a significant portion of the American Samoan population not having access to the benefits conferred by connection to the public switched network. ^{6/}

In the *Twelfth Report and Order*, the Commission recognized that the telephone penetration rate in tribal communities was significantly below that of the country as a whole. ^{7/} The Commission also indicated that telephone penetration rate is tied to annual household income levels and noted that the 1990 per capita income of Native Americans living on tribal reservations was \$4,478, nearly 70% below the \$14,420 per capita income in the U.S. as a whole. ^{8/} As a result, the Commission took action to remedy the problem by offering increased universal service support and other incentives for those areas. Because the subscribership

(Dec. 2, 1999), *citing* the Insular Areas Census & Surveys, *Interior 1999 State of the Islands Report*, p. 117.

^{5/} *Id.*, *citing* the Insular Areas Census & Surveys, *Interior 1999 State of the Islands Report*, p. 107.

^{6/} *See Twelfth Report and Order*, 15 FCC Rcd at 12212, ¶ 3 (noting the importance of telephone service to accessing public services, obtaining emergency and medical aid, pursuing employment opportunities, and gaining Internet access).

^{7/} *Twelfth Report and Order*, 15 FCC Rcd at 12223-24, ¶ 26. The average telephone penetration rate in the United States is 94%. *Id.*

^{8/} *Twelfth Report and Order*, 15 FCC Rcd at 12224-25, ¶ 27.

per capita income levels in American Samoa are also substantially below those for the U.S. as a whole, the same enhanced support provided to residents of tribal lands should be extended to American Samoa consumers.

Second, American Samoa (like the CNMI) has a unique relationship with the federal government, similar to those of American Indians and Native Alaskans, that creates an equally compelling obligation for the FCC to extend tribal universal service support to the territory's residents. American Samoa became a U.S. territory in 1900, during the era of colonial expansion of the great powers, and is subject to civil and military authority delegated by Congress and ultimately exercised by the Secretary of the Interior. This is comparable to the type of relationship that exists between Native American tribes and the federal government, upon which the Commission relied in making its universal service policy decisions. Notably, the historic relationship between the federal government and tribal communities was a key factor upon which the Commission relied in extending universal service support to tribal communities. ^{9/} Specifically, the Commission stated that enhancing tribal communities' access to telecommunications services "is consistent with our obligations under the historic federal trust relationship between the federal government and federally-recognized Indian tribes to encourage tribal sovereignty and self-governance." ^{10/} Comparable

^{9/} *Twelfth Report and Order*, 15 FCC Rcd at 12213-14, 12222, ¶¶ 5, 23; Policy Statement, at 4.

^{10/} *Id.* at 12213-14, ¶ 5.

federal obligations compel the Commission to extend the same enhanced support to residents of American Samoa.

For the foregoing reasons, in view of the clear similarities between the tribal interests that benefited from adoption of the *Twelfth Report and Order*, and those at stake in both the CNMI and American Samoa, these island territories merit an extension of enhanced Lifeline and Link Up universal service support to their respective regions.

Respectfully submitted,

**AMERICAN SAMOA
TELECOMMUNICATIONS AUTHORITY**

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April 13, 2001

CERTIFICATE OF SERVICE

I, Cecelia Burnett, do hereby certify that a true copy of the foregoing American Samoa Telecommunications Authority Comments on the CNMI's Proposal Regarding Enhanced Support for Insular Low-Income Consumers, was sent this 13th day of April, 2001, via hand delivery, or via first class mail where indicated, to the following:

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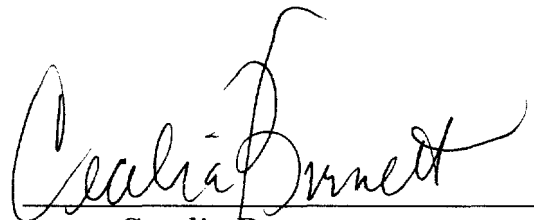
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